

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Aiyanna Milligan	Team: Squad #6	CCRB Case #: 201705182	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 06/24/2017 7:50 PM	Location of Incident: At the intersection of Coney Island Avenue and Foster Avenue	Precinct: 70	18 Mo. SOL 12/24/2018	EO SOL 12/24/2018	
Date/Time CV Reported Sat, 06/24/2017 8:15 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 06/24/2017 8:15 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Scott Nuzzi	4067	930851	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Scott Nuzzi	Off. Language: Detective Scott Nuzzi made remarks to an individual based upon religion.	

Case Summary

On June 24, 2017, § 87(2)(b) filed this complaint with the Civilian Complaint Review Board via the on-line website on behalf of an unidentified individual.

On June 24, 2017, at approximately 7:50 PM, numerous individuals were gathered on Coney Island Avenue between Foster Avenue and Avenue H in Brooklyn for the annual Chand Raat Bazaar. It is a festival that celebrates the eve of Eid al-Fitr.

As § 87(2)(b) passed the intersection of Coney Island Avenue and Foster Avenue she observed Det. Scott Nuzzi of the 70th Precinct, engaged in a conversation with an unknown female street vendor. Just as § 87(2)(b) passed Det. Nuzzi and the vendor, she heard him tell her, “Don’t corrupt America,” (**Allegation A**).

The vendor subsequently walked away. Neither § 87(2)(b) nor the vendor were summonsed or arrested. There is no video footage of the incident.

Mediation, Civil and Criminal Histories

- § 87(2)(b) was the only complainant in this case. Mediation was offered to her, but she opted for an investigation § 87(2)(g) .
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of August 24, 2017, there were negative results for any Notice of Claim filed for this incident (BR 02).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (BR 03).
- Det. Nuzzi has been a member of the NYPD for 15 years and has had 20 other allegations pleaded against him in 8 cases. In CCRB Case 200406525, the Board substantiated and recommended charges for physical force and discourteous word allegations. The NYPD disposition for each was instructions (BR 04).

Potential Issues

- § 87(2)(b) testified that the victim was an unknown individual and described her as a South, possibly West, Asian female who, following her interaction with Det. Nuzzi entered a nearby Junior’s 99 Cents Super Store. § 87(2)(b) did not obtain the vendor’s name or note what she sold. Det. Nuzzi described the vendor as being from Pakistan, a South Asian country, and testified that he learned her name during the incident, but he did not recall it and no documentation of the incident exists.
- Attempts to locate video evidence by conducting Google Map and NYPD Technical Assistance Response Unit camera listing searches yielded negative results. On July 24, 2017, the CCRB Field Team visited Junior’s 99 Cents Super Store and reported that the store’s front door was locked, there were no individuals inside, and it appeared that the store may be closed or undergoing renovation.
- A CTS search for other duplicate complaints that occurred on June 24, 2017 within the confines of the 70th Precinct yielded negative results. Absent any identifying information, additional database searches could not be conducted and contact attempts could not be made to the victim to obtain the vendor’s verified statement.

- While the Detail Roster/Assignment Sheet noted that numerous officers from the 70th Precinct were assigned to the intersection of Coney Island Avenue and Foster Avenue, Det. Nuzzi testified that he was the only officer who interacted with the vendor. Det. Nuzzi's partner, Det. Kim Walker of the 70th Precinct, was not present for the incident as she was working with his commanding officer at the time (BR 06 and 07). Some officers approached while the verbal dispute was ongoing, however Det. Nuzzi could not identify them even after he reviewed the roster. Furthermore, § 87(2)(b) stated that the officers Det. Nuzzi stood with [when she approached him] were not in the vicinity when the alleged remark was made (BR 05). § 87(2)(g)

Findings and Recommendations

Allegation A - Offensive Language: Detective Scott Nuzzi made remarks to an individual based upon religion.

§ 87(2)(b) testified that as she walked back to her vehicle during the festival, she observed Det. Nuzzi engaged in a conversation with a female individual, who appeared to be a street vendor. Det. Nuzzi and the vendor both spoke loudly. § 87(2)(b) heard the vendor say that she was just trying to make a living. Just as § 87(2)(b) walked past them, Det. Nuzzi said, "Don't corrupt America." § 87(2)(b) did not hear any further details of their conversation. § 87(2)(b) watched as the vendor packed her belongings and brought them into a nearby Junior's 99 Cents Super Store. An unknown male individual appeared to intervene on the vendor's behalf, as he began a discussion with Det. Nuzzi, but § 87(2)(b) did not know where he came from or whether he was associated with Junior's 99 Cents Super Store. § 87(2)(b) approached the vendor inside of the store and confirmed what she heard. During this time, the vendor disclosed that Det. Nuzzi told people that she was homeless. § 87(2)(b) did not learn any additional details regarding the vendor's discussion with Det. Nuzzi, her name or any contact information. § 87(2)(b) approached Det. Nuzzi, who had walked a short distance away and joined a small group of officers. § 87(2)(b) introduced herself as § 87(2)(b), noted she had no issues with officers as she works with them often, and informed Det. Nuzzi of what she heard him say. However, Det. Nuzzi would not acknowledge her remarks and repeatedly told her in a dismissive tone to have a blessed day. Another officer, who was not in the vicinity of the incident, told § 87(2)(b) that she misheard and have a blessed day. § 87(2)(b) returned to her vehicle as Det. Nuzzi would not engage in a discussion (BR 05).

Det. Nuzzi testified that he was alerted to the presence of an unknown female street vendor, who was set up at the intersection of Coney Island Avenue and Foster Avenue, by the organizers of the event. The organizers wanted Det. Nuzzi to ask the vendor to leave because she was not an invited participant or a legal vendor. When Det. Nuzzi approached the vendor he explained this to her and both he and the organizers asked her to leave. The vendor did not initially become upset at learning she had to leave, however the organizers became involved in a verbal dispute. Det. Nuzzi did not understand what was being said during the dispute, as most of it took place in what he believed may have been Urdu, but he believed accusations were being exchanged because there was some yelling and cursing in English as well. At some point, an unidentified male verbally intervened on the vendor's behalf, but it led to additional yelling and Det. Nuzzi asked him to leave. The unidentified male complied. Det. Nuzzi did not know where the male came from or went. As the vendor gathered her belongings, Det. Nuzzi approached her and inquired as to whether he could offer any assistance, as she mentioned that she was homeless,

recommending a local organization. At some point, Det. Nuzzi learned the vendor's name but he did not recall it. The vendor knew of the organization but stated they were not of assistance. The vendor also stated that American people, or the American government, were corrupt, as were Pakistani people and no one would give her a hand. Det. Nuzzi did not say, "Don't corrupt America," but he did repeat what the vendor said and successively told her that a couple of bad apples do not ruin the bushel. Det. Nuzzi then apologized about the incident and offered help once again. The vendor declined, finished packing her belongings and left. § 87(2)(b) approached Det. Nuzzi a few minutes later, introduced herself as § 87(2)(b) and informed him that she heard everything. Det. Nuzzi asked § 87(2)(b) what she heard and she replied that she heard him tell the vendor that America is corrupted because of Pakistani or Muslim people. Det. Nuzzi denied saying this and informed § 87(2)(b) that she misheard, as she did not hear the whole conversation, and there was nothing else to discuss. § 87(2)(b) walked away, thus ending their interaction (BR 06).

There were no civilian or officer witnesses to the incident.

§ 87(2)(g)

§ 87(2)(g)

Squad: **6**

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date